

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COMMERCE BANK, N.A.,
Plaintiff,

Case No. 1:07-cv-589

-v-

HONORABLE PAUL L. MALONEY

“JUICED-UP,” her engines, tackle
appurtenances, etc., *in rem*,
Defendant.

ORDER VACATING ENTRY OF DEFAULT OF DAVID ALLEN WESSELDYK

For the reasons provided in the accompanying opinion, Entry of Default of Interested Party David Allen Wesseldyk (Dkt. No. 15), d/b/a Wesco Racing Engines, is **VACATED**. The equitable considerations favor setting aside entry of default and allowing Mr. Wesseldyk to proceed on the merits. Mr. Wesseldyk shall have twenty days from the date of this order to file an answer to the complaint. Pursuant to the request in Mr. Wesseldyk’s verified statement of interest and Fed. R. Civ. P. Supp. Rule E(4)(f), a post-arrest hearing in the matter is scheduled for September 27, 2007 at 10:00 AM.

IT IS SO ORDERED.

Date: September 6, 2007

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge